

required, Reclamation should implement these disposition measures for the flat-tailed horned lizard, as well as the listed species addressed herein.

Notice: To the extent that this incidental take statement concludes that take of any threatened or endangered species of migratory bird will result from the agency action for which consultation is being made, the Service will not refer the incidental take of any such migratory bird for prosecution under the Migratory Bird Treaty Act of 1918, as amended (16 USC sec.s 703-712) or the Bald Eagle Protection Act of 1940, as amended (16 USC sec.s 668-668d), if such take is in compliance with the terms and conditions (including amount and/or number) specified herein.

CONCURRENCES

Bald Eagle

The Service concurs with Reclamation's finding that the Lower Colorado River Operations and Maintenance Program may affect, but is not likely to adversely affect, the bald eagle. Our rationale for this concurrence follows. As stated in the BA, Reclamation's ongoing native riparian plant restoration program has the potential to increase the available tree nesting and perching habitat for eagles along the river beyond the five year time frame. Current river operations may preclude establishment of newly regenerated cottonwood and willow stands that could provide future nesting and perching substrate for bald eagles. However, the likelihood that regeneration-inducing events would be precluded over the five year time frame is so low as to be discountable. The limited number of nesting attempts in this area indicates that competition for nesting and perching sites would not be increased by precluding the trees from developing over the next five years, and it is also a discountable effect. Because the above effects are either insignificant, discountable, or beneficial over the short, five year time frame, no adverse effect is likely.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

Listed species/critical habitat:

Bonytail Chub and Razorback Sucker

The Service recognizes the ongoing conservation efforts of Reclamation in helping to stabilize and prevent additional loss of bonytail chub and razorback sucker populations in the LCR. Because the Service is aware of Reclamation's continuing dedication to the survival and recovery of these species, additional conservation recommendations are not necessary at this time. The Service urges Reclamation to continue its efforts and to work in cooperation with other interested parties in long-term planning efforts to recover bonytail chub and razorback suckers in the LCR.

Southwestern Willow Flycatcher

Because of its expertise, authorities, and the amount of habitat it can affect, Reclamation should become a key player in helping develop and facilitate implementation of the recovery plan for this species.

Yuma Clapper Rail

Reclamation should continue to support recovery actions including, but not limited to, those detailed in the 1983 Recovery Plan for this species, such as annual surveys, effects of contaminants, habitat creation and maintenance, investigations of relationships between rail populations in the United States and Mexico, and investigations of the relationship between river water levels, flow rates and rail habitat and nesting success. Reclamation should join the Service in pursuing agreements with appropriate land management agencies and the Republic of Mexico to protect rail habitat.

Proposed species:**Flat-tailed Horned Lizard**

Reclamation should manage undeveloped parts of the 5-mile zone north and west of the proposed area service highway route with the same management prescriptions as the Yuma Desert Management Area for the flat-tailed horned lizard. This area could be managed as a unit of the Management Area until construction of the area service highway is initiated. Reclamation should work with Yuma County, the BLM, and the Border Patrol to close and rehabilitate unneeded roads along section lines within the proposed Yuma Desert Management Area.

In future planning decisions regarding sludge disposal sites, well fields, or other activities, Reclamation should consider locating such facilities outside of the Yuma Desert Management Area and west of Avenue B. In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

REINITIATION - CLOSING STATEMENT

This concludes formal consultation and conference on the actions outlined in Reclamation's request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

The Service expects that above conditions (2) and (3) for reinitiation may be met if the Lower